



SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/122,114      09/16/93      HINES

L. 5006

~~REICHLE~~ **EXAMINER**

33N1/0324

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ART UNIT	PAPER NUMBER
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3308

DATE MAILED: 03/24/94

This is a communication from the examiner in charge of your application.  
**COMMISSIONER OF PATENTS AND TRADEMARKS**

☒ This application has been examined      ☒ Responsive to communication filed on 9-16-93      ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

**Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:**

1. ☒ Notice of References Cited by Examiner, PTO-892. 2. ☒ Notice of Draftsman's Patent Drawing Review, PTO-948.  
3. ☒ Notice of Art Cited by Applicant, PTO-1449. 4. ☐ Notice of Informal Patent Application, PTO-152.  
5. ☐ Information on How to Effect Drawing Changes, PTO-1474. 6. ☐ \_\_\_\_\_.

## Part II SUMMARY OF ACTION

1. ☒ Claims 1-19 are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
2. ☐ Claims \_\_\_\_\_ have been cancelled.
3. ☐ Claims \_\_\_\_\_ are allowed.
4. ☒ Claims 1-19 are rejected.
5. ☐ Claims \_\_\_\_\_ are objected to.
6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other \_\_\_\_\_

### EXAMINER'S ACTION

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The Abstract of the Disclosure is objected to because on line 5, the terminology "T" should be avoided. Correction is required. See M.P.E.P. § 608.01(b).

The drawings are objected to because Figure 1 is inconsistent with the description at page 5, lines 24-26. Correction is required.

The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the invention as claimed in claims 9 and 15 must be shown or the feature cancelled from the claim. No new matter should be entered.

The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to provide an adequate written description of the invention.

1) The description at page 5, lines 26-28 is inconsistent with that at page 7, lines 34-35.

2) The description should be commensurate in scope with claim 8.

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Claims 6 and 10-15 are rejected under 35 U.S.C. § 112, fourth paragraph, as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claim 6 is a multi-dependent claim which depends from another multi-dependent claim which is improper. Accordingly, claim 6 and the claims dependent therefrom, claims 10-15 have not been further treated on the merits.

Claim 9 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In regard to claim 9, a positive structural antecedent basis for "the end" (line 2) should be defined.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1-5, 7-9 and 16-18 are rejected under 35 U.S.C. § 103

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as being unpatentable over Buell '959 in view of Glassman and Sneller.

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3-16-96  
In regard to claims 1-5, 7-8 and 16-17, the Buell '959 device includes all the claimed structure except for the core having a line or lines of weakness. However, see Figure 6, 23B and 23C, Figure 28, col. 6, lines 23-34, col. 13, lines 8-29, col. 16, lines 44-53, col. 17, lines 15-19, col. 18, lines 20-30 and 51-61, col. 26, lines 59-66. Sneller, paragraph bridging pages 18 and 19 and Glassman, see abstract, teach channels or interchangeably spot depression, i.e. discrete sites to create a weakened area that enhances controlled bunching. To employ lines of weakness, i.e channels, discrete sites, as taught by Sneller and Glassman on the Buell device would be obvious to one of ordinary skill in the art in view of the recognition that such a feature would enhance the mimicking of the configurations of the deformation element by the core, i.e. controlled bunching and the desirability of such on the Buell device. In regard to claim 9, Applicant claims V-shaped lines of weakness. However, on page 13, lines 13-17, Applicant does not disclose the criticality thereof. Therefore, it would have been obvious matter of design choice to modify the Buell device by having V-shaped lines of weakness since it has not been disclosed that having such lines of weakness solves any stated problem or is for any particular purpose and it appears that the core would perform equally well,

see, e.g., Figures 14, 18, 19. In regard to claim 18, Applicant claims discrete sites are bilaterally staggered about said line of weakness. See Figures 1 and 3, Figures 2 and 4, Figure 9, Figure 6 and Figure 8<sup>of Glassman</sup>. To employ discrete sites bilaterally staggered about the line of weakness<sup>as taught by Glassman</sup> on the Buell device would be obvious to one of ordinary skill in the art in view of the recognition that such would provide more softness than non-staggered continuous sites. In regard to claim 19, see col. 8, lines 8-17 and 20-24, i.e. the inner perimeter region doesn't have to<sup>correspond to</sup> protuberance 71, i.e. lines of weakness 23C. Applicant claims discrete sites join the topsheet and core and having a lesser density than the discrete sites forming the line of weakness. However, Glassman shows continuous lines and lines formed by discrete spots are interchangeable. Furthermore, Applicant does not disclose the criticality of lower density sites on page 10, lines 19-20. To make continuous region 47 of Buell discrete sites instead would be obvious to one of ordinary skill in the art in view of the interchangeability as taught by Glassman. Furthermore, it would have been obvious matter of design choice to modify the Buell device by having lower density sites since it has not been disclosed that having such density solves stated problem or is for any particular purpose and it appears that the core would perform equally well.

The prior art made of record and not relied upon is

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considered pertinent to applicant's disclosure.

The Pigneul et al, Sneider and Zenmi patents show discrete bonding sites or lines of compression.

Any inquiry concerning this communication should be directed to K. Reichle at telephone number (703) 308-2617.

K. Reichle/dh  
March 10, 1994  
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**ART UNIT 3308**